IN THE HIGH COURT OF JUDICATURE OF

ANDHRA PRADESH

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P. No. 19040 OF 2001

Between

B.Nagendra Kumar

Petitioner

AND

The A.P.S.R.T.C.,
Rep. By its Vice Chairman-cum-
Managing Director, Musheerabad
Hyderabad and another.

Respondents

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P. No. 19040 OF 2001

ORAL ORDER:

Seeking a writ of mandamus declaring the action of the respondents in issuing Proc. No.G1/2/84/2000-PO-1 dated 31.3.2000 and Proc. No. B1/329/(23)2000 RM-C dated 3.8.2000 rejecting the claim of the petitioner for appointment on compassionate grounds, as illegal and arbitrary and to consequentially direct the respondents to appoint the petitioner in the 2nd respondent office, the petitioner filed this writ petition.

The father of the petitioner, who worked as Depot Clerk in the respondent Corporation, died on 13.5.1995, on service and the petitioner submitted an application for compassionate appointment on 17.3.1997, but since no action was taken by the respondents, he filed WP No. 15252 of 1997, which was disposed of by this court directing the first respondent to consider his case for appointment to a suitable post. Consequently, he was interviewed for the post of Conductor on 24.2.1998 and Respondent rejected his candidature on the ground that he was short of height. Aggrieved of the said rejection, the petitioner filed W.P. No. 12786 of 1999, which was disposed of on 17.1.2000 directing the first respondent to consider the representation of the petitioner for relaxation as to the height for the post of Conductor for appointment on compassionate grounds, within three months. Pursuant to the said orders, the first respondent issued proceedings dated 31.3.2000 again rejecting his case stating that the petitioner is having only 148.5 CMs. as against the requisite height of 153 CMs., and after according relaxation of height by 2 CMs., the petitioner will be still under height by 2.5 CMs. and, therefore, he is not entitled for appointment as Conductor under the Bread Winner Scheme and thus rejected the representations dated 31.7.1998 and 28.1.2000, but, however, made an offer to claim compassionate monetary benefit in lieu of employment as per Rules in force. Thereafter, the petitioner submitted representation dated 11.4.2000s to the first respondent requesting for appointing him as a Shramik Class IV under Bread Winner Scheme, which was replied on 3.8.2000 by the 2nd respondent stating that there are vacancies of

Shramiks and as and when 30% quota is provided, he will be informed.

Counter filed by the respondents also states that in view of the reduction on staff on all categories, including Shramiks, no vacancy of Shramik, has arisen and no person was appointed under the quota, in the respondent organization. The respondents alternatively made an offer for additional monetary benefit to the petitioner, in lieu of employment.

The petitioner, even though insisted for appointment, ultimately accepted for additional monetary benefit, but however, requested that he should be awarded interest thereon from the date of rejection of his candidature. Even though the learned counsel for the respondents contended that they have made an offer for additional monetary benefits in lieu of appointment, which was not availed of by the petitioner, there is nothing on record to substantiate such an offer by the respondents. Having regard to the fact that there were no vacancies of even Shramiks, as replied by the 2nd respondent and since there is nothing on record to show that the respondents have made an offer of Additional Monetary Benefit, which was not opted by the petitioner, I am inclined to dispose of the writ petition directing the respondents to pay Additional Monetary Benefit, in lieu of employment with interest thereon. Consequently the writ petition is disposed of directing the respondents to pay Additional Monetary Benefit, in lieu of employment with simple interest at 9% p.a. from the date of rejection i.e. 3.8.2000 till the date of payment. No order as to cost.

N.V.RAMANA, J.

March 2, 2006.

MAS.